IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6554 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DAHYABHAI MOHANBHAI PATEL

Versus

UNION OF INDIA

Appearance:

MR BM MANGUKIYA, Advocate for the Petitioner
MR MUKESH R SHAH, Standing Counsel for the Respondent No. 1,2 and 3
MR DIPEN DESAI, AGP for the Respondent Nos. 4, 5 & 6

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE KUNDAN SINGH

Date of decision: 25/06/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

#. The grievance of the petitioner is that though he was entitled for the reward as per the policy laid down for the purpose, in connection with the seizure of 3400 gold biscuits that took place on 10.10.1989, the petitioner has not been given the reward despite his leading the police party which had seized the biscuits. During the course of the final hearing of this petition, we found that it was absolutely necessary to see the entire record of the proceedings by which, the question of awarding the rewards in connection with the said seizure was considered and decided and, therefore, specific directions were given by our earlier order on 19.6.2003, directing the respondents to produce the entire record pertaining to the seizure and the rewards as per the policy, for perusal of this Court on 25th June, 2003 at 11.00 a.m., through the responsible officers. Today, we are pointed out by the learned Standing Counsel for the Department, the minutes under which the decision to give rewards was taken, and admittedly, in this minutes, the name of the petitioner does not figure. The learned Standing Counsel has very fairly stated that from the minutes and the record, it appears that the name of the petitioner Mr. D.M. Patel was not considered for the reward and that, therefore, the Committee will consider the name of the petitioner as per the policy in connection with the said seizure. We would have expected the respondents to have been very careful in filing the affidavit-in-reply, because, in para-4 of the affidavit-in-reply of the respondent no. 2, there is a statement which reads:

"At the outset, I say and submit that the case of the petitioner has been considered by the Reward Committee and the competent authority..... The petitioner is not entitled to any reward...."

Now, since the learned Standing Counsel for the respondents himself has pointed out that the name of the petitioner was not in fact, considered by the Reward Committee, we take no action on the incorrect statement contained in para-4 of the affidavit-in-reply of the respondent no. 2, since according to the learned Standing Counsel, it has been made through oversight and on the basis of the previous minutes.

#. The learned Standing Counsel for the respondents states that in view of the procedure involved, the case of the petitioner will be considered and decided within three months from today. In view of this statement, the

learned counsel for the petitioner states that the petitioner seeks permission to withdraw this petition at this stage, without prejudice to the rights and contentions of the petitioner. The petition stands disposed of as withdrawn. Rule is discharged with no order as to costs.

[R.K. ABICHANDANI, J.]

[KUNDAN SINGH, J.]
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